IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

OP.No. 23113 of 2001(B)

PETITIONER:

MANI.K.K., S/O. LATE KORAN, AGED 54 YEARS,
KODALI HOUSE, CHOONDAL.P.O., THRISSUR.

BY ADV. SRI.A.X.VARGHESE,
SRI.A.J.VARGHESE.

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY SCRETARY,**
   SCHEDULED CASTE DEVELOPMENT DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **DIRECTOR, SCHEDULED CASTE DEVELOPMENT DEPARTMENT,**
   NANDAVANAM, VIKAS BHAVAN.P.O., THIRUVANANTHAPURAM-33.

3. **DISTRICT DEVELOPMENT OFFICER FOR SCHEDULED CASTE,**
   CIVIL STATION, PALAKKAD.

4. **KUNJIKRISHNAN, SCHEDULED CASTE,**
   DEVELOPMENT OFFICER GRADE-I,
   BLOCK OFFICE, PALAKKAD.

5. **KALYAN.K. MENON, SCHEDULED CASTE DEVELOPMENT OFFICER**
   GRADE-II, CHAVAKKAD BLOCK OFFICE, CHAVAKKAD.P.O.,
   PIN - 680 506.

6. **V.A. LAZER, LOWER DIVISION CLERK,**
   DISTRICT DEVELOPMENT OFFICE FOR SCHEDULED CASTE,
   CIVIL STATION, AYYANTHOLE, THRISSUR - 3.

7. **P. PRABHAKARAN, L.D. CLERK, DISTRICT DEVELOPMENT OFFICE,**
   CIVIL STATION, PALAKKAD -1.

8. RAMACHANDRAN, L.D. CLERK,
DISTRICT DEVELOPMENT OFFICE,
CIVIL STATION, PALAKKAD -I.

BY GOVERNMENT PLEADER SMT. T.B. RAMANI.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. 37813/2001 IN O.P. NO. 23113/2001

DISMISSED

06/08/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PARTICULARS OF THE ITEMS FOUND DEFICIENT BY THE FORMS INSPECTOR IN THE PALAKKAD OFFICE.

EXT.P.2: COPY OF THE PROCEEDINGS NO. I-4773/96 DTD. 21/08/1996 ISSUED BY THE R.2.

EXT.P.3: COPY OF THE LETTER NO. A-1-2313/99 DTD. 28/07/1999.

EXT.P.4: COPY OF THE LETTER NO. 35725/99/F1 DTD. 26/11/99.

EXT.P.5: COPY OF THE LETTER NO. EST.A1-16133/99 DTD. 11/12/99 TO THE R.3. ISSUED BY THE R.2. DIRECTING TO STOP THE RECOVERY FROM THE SALARY OF THE PETITIONER TILL A REPORT IS OBTAINED FROM THE PETITIONER.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 13/12/99.

EXT.P.7: COPY OF THE MEMO NO. A1-2313/99 DTD. 15/01/2000.

EXT.P.8: COPY OF THE IMPUGNED PROCEEDINGS NO. EST.B2-16133/99 DTD. 12/05/2000 ISSUED BY THE R.2.

EXT.P.9: COPY OF THE PROCEEDINGS NO. A1-2313/99 (2) DTD. 21/10/2000 OF THE R.3.

RESPONDENT'S EXHIBITS:

EXT.R2.A: REPRESENTATION DTD. 25/07/97.

EXT.R2.B: LETTER NO. J4743/96 DTD. 23/02/98.

//TRUE COPY//

P.S. TO JUDGE

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.23113 of 2001-B

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Dated this the 6th day of August, 2007.

JUDGMENT

The petitioner, then with eight years' experience as a U.D.C., was put in charge of office stationery in the office where he was working. On inspection, it was noticed that he had not maintained proper registers regarding the stock of office stationery and issuance of the stationery to the different offices. This led to a proposal for recovery against the petitioner in spite of repeated correspondences between the concerned offices. The superior authorities took the stand that the amount has to be recovered as a measure of discipline. But the fact remains that as per Ext.R2(b), the District Development Officer has categorically reported that the failure was only in maintaining some of the registers

and it has been actually found out that the stationery articles shown reflected in the registers were actually utilized in 5 taluk offices, 19 hostels and 8 nursery schools. Therefore, as a matter of fact, there was no loss caused to the Government. The fact that no loss has been caused to the Government is no ground for the petitioner to contend that with 8 years of experience on U.D.C. cadre, he could have relaxed without duly discharging his duties and responsibilities.

2. While in Ext.R2(a) the petitioner requests the requirements to support his aged mother and also states that the failure was due to pressure of work, which pressure is not one that has been demonstrated with reference to any records, I find a word of apology in the last paragraph of Ext.R2(a). That word can be taken as an apology to the Government and to the citizens at large.

3. Under the aforesaid circumstances, having noticed that no loss is caused and having regard to the contents of

Ext.R2(b), the impugned proceedings against the petitioner are quashed.

The writ petition is allowed as above. No costs.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.23113 of 2001-B

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JUDGMENT

Dated: 6th August, 2007.